

10174-6

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLES E. ANDERSON, Trustee on behalf of)	
PAINTERS' DISTRICT COUNCIL NO. 30 PENSION)	
FUND, PAINTERS' DISTRICT COUNCIL NO. 30)	
HEALTH AND WELFARE FUND, and NORTHERN)	
ILLINOIS PAINTERS, DECORATORS AND DRYWALL)	
FINISHERS JOINT APPRENTICESHIP AND TRAINING)	
FUND; DONALD STEADMAN, Trustee on behalf of the)	
NORTHERN ILLINOIS PAINTING AND DRYWALL)	
INSTITUTE; and the DISTRICT COUNCIL NO. 30 OF)	
THE INTERNATIONAL UNION OF PAINTERS AND)	
ALLIED TRADES, AFL-CIO, a labor organization,)	Case No. 08 C 887
)	
Plaintiffs)	
)	
v.)	Judge Coar
)	Magistrate Judge Keys
BRYER CONSTRUCTION, INC.,)	
Defendant)	

**DEFENDANT'S UNCONTESTED MOTION FOR ENLARGEMENT OF TIME
TO COMPLETE DISCOVERY**

Now comes defendant, BRYER CONSTRUCTION, INC. ("Bryer"), by its attorneys, ELIZABETH A. BATES and KATHLEEN R. RYDING, and for its Uncontested Motion for Enlargement of Time to Complete Discovery states as follows:

1. On April 17, 2008, the Court set deadlines for the conclusion of fact discovery, expert discovery, and dispositive motions. Specifically, the Court ordered that fact discovery is to be completed by August 15, 2008. A copy of the court's Minute Order is attached hereto as Exhibit "A."

2. On June 3, 2006, plaintiffs served Interrogatories and a Request for Documents on Bryer. On July 16, 2008, Bryer served its answers to interrogatories and produced documents in

addition to documents previously disclosed to plaintiffs. Further, Bryer has propounded a Request for Documents to plaintiffs.

3. Bryer is a small corporation, and Erin Nau is solely responsible for payroll and administrative matters. Ms. Nau had serious surgery in late June and was out of the office for several weeks thereafter. As a result, Bryer has been delayed in responding to plaintiffs' discovery and in producing Ms. Nau for deposition.

4. Bryer has sent notices of deposition for the individuals disclosed in plaintiffs' Rule 26(a) Disclosures. However, Bryer cannot depose said individuals until it receives plaintiffs' audit report, which is not yet prepared, as Bryer just responded to the plaintiffs' discovery.

5. Additional time is needed to ensure that all documents have been produced; to produce Ms. Nau for deposition; for preparation and dissemination of the audit report; and for the depositions of plaintiffs' witnesses.

6. Bryer respectfully requests that the Court extend discovery to September 30, 2008 (45 day extension) to allow discovery to proceed in an orderly fashion. At this point, neither plaintiffs nor Bryer expect to retain an expert witness, but Bryer desires to retain such right until after it receives plaintiffs' audit report and related documents. In addition, the parties can meet and conduct settlement discussions. The remaining deadlines regarding pretrial and trial do not need to be changed.

WHEREFORE, Bryer respectfully requests that this Court extend discovery to September 30, 2008 and extend the deadline for dispositive motions to October 31, 2008.

Respectfully submitted,

/s/ Kathleen R. Ryding
By: _____
Kathleen R. Ryding, one of Bryer's attorneys

CERTIFICATE OF FILING AND SERVICE

I, KATHLEEN R. RYDING, certify as follows under penalty of perjury this 22nd day of July, 2008:

1. I filed this ***Uncontested Motion*** by filing it with the clerk of the court by electronic means.
2. I served this ***Uncontested Motion*** by filing it with the clerk of the court by electronic means, which electronic filing constitutes service by virtue of local rule 5.9.
3. I made the electronic filing on July 22, 2008.

/s/ Kathleen R. Ryding

Kathleen R. Ryding [#6181310]
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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois - CM/ECF LIVE, Ver
3.1.3 Eastern Division**

Charles E Anderson, et al.

Plaintiff,

v.

Bryer Construction, Inc.

Defendant.

Case No.:

1:08-cv-00887

Honorable David H.

Coar

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, April 17, 2008:

MINUTE entry before Judge Honorable David H. Coar: Rule 16(b) Scheduling Conference held on 4/17/2008. All disclosures required by Rule 26(a)(1) shall be made on or before 5/15/2008. Any amendments to pleadings or actions to join other parties shall be filed on or before 5/30/2008. Discovery is ordered closed on 8/15/2008. The parties shall disclose expert testimony pursuant to Rule 26(a)(2) on or before 6/15/2008 as to the plaintiff and 7/15/2008 as to defendants. The parties may depose the other side's expert at any time prior to 8/15/2008. The parties shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to 7/30/2008. The parties may depose the opposing party's rebuttal expert by 8/30/2008. Discovery materials are not to be filed with the Court pursuant to N.D. Ill. Local Rule 26.3 (discovery "shall not be filed with the court"). Dispositive motions with supporting memoranda due by 9/30/2008 (all motions are to be in accordance to and noticed for a date certain pursuant to Local Rule 5.3(b)). Final Pretrial Order due by 1/29/2009. Final Pretrial Conference set for 2/6/2009 at 11:30 AM. Jury Trial set for 2/9/2009 at 10:00 AM. The parties are directed to review this Court's standing orders. Copies are available in chambers or through the Court's web page. Mailed notice(pm,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information,



